

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GAYLAND BRION COLES,

Plaintiff,

v.

Case No. 20-12606
Honorable Linda V. Parker

SCION STEEL, INC., et al.,

Defendants.

/

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S JUNE 2, 2022,
REPORT AND RECOMMENDATION**

Plaintiff initiated this pro se employment lawsuit against Defendants on September 16, 2020. The action arises from an alleged breach of a March 28, 2019 Confidentiality Settlement Agreement resolving claims brought in another lawsuit. *See Coles v. Scion Steel, Inc.*, Civil Case No. 18-13754. Plaintiff also alleges that subsequent to the resolution of the earlier lawsuit, Defendants retaliated against him for filing the prior lawsuit and gave non-African-Americans more favorable work positions and assignments.

The matter has been referred to Magistrate Judge Curtis Ivy, Jr. for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 32.)

Plaintiff filed a motion to amend the Complaint (ECF No. 42), to which Defendants responded. (ECF No. 44.) On June 2, Magistrate Judge Ivy issued a report and recommendation (R&R) recommending that the Court deny in part and strike paragraphs discussing Plaintiff's breach of employee handbook claims from the Complaint. (ECF No. 56.)

At the conclusion of the R&R, Magistrate Judge Ivy informs the parties that they must file any objections to the R&R within fourteen days. (*Id.* at Pg ID 1058.) He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.* (citations omitted).) Neither party filed objections.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Ivy. The Court therefore adopts the R&R.

Accordingly,

IT IS ORDERED that Plaintiff's Motion to Amend (ECF No. 42) is **DENIED IN PART** and Plaintiff's breach of employee handbook claims be **STRICKEN** from the Amended Complaint.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: December 7, 2022

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, December 7, 2022, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan
Case Manager